

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

tmd3574/ca
November 4, 2019

9:00 AM

=====X
IN RE:

Case No. 116-42675-ESS

TRISHA K CATACUTAN

Hon. ELIZABETH S. STONG

NOTICE OF MOTION

Debtor.

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PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, 271 Cadman Plaza East, Courtroom 3585, Brooklyn, New York, 11201 on the 4th day of November 2019 at 9:00 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c)(6) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York
October 7, 2019

/s/ Marianne DeRosa
Marianne DeRosa, Trustee
100 Jericho Quadrangle – Suite 127
Jericho, NY 11753
(516) 622-1340

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Case No: 116-42675-ESS

TRISHA K CATA CUTAN

Hon. ELIZABETH S. STONG

APPLICATION

Debtor.
=====X

TO THE HONORABLE ELIZABETH S. STONG U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor commenced this case by filing a voluntary petition under Chapter 7 on June 17, 2016. Pursuant to Stipulation and Order entered October 14, 2016, the instant case was converted to one under Chapter 13 and thereafter, Marianne DeRosa was duly appointed and qualified as Trustee.

2. The Debtors Plan (hereinafter to be referred to as "the Plan") dated May 4, 2017 and reflected on the Court's docket as number 33 was confirmed by this Court on June 5, 2017.

3. The Plan requires that during the pendency of this case, the Debtors will provide the Trustee with signed copies of filed federal and state tax returns for each year no later than April 15th of the year following the Tax period. Indicated tax refunds are to be paid to the Trustee upon receipt; however, no later than June 15th of the year in which the tax returns are filed.

4. The Debtor has not provided the Trustee with signed copies of filed federal and state income tax returns, and refunds if any for the 2018 tax period.

5. The foregoing represents a material default by the Debtor with respect to the terms of the confirmed plan and constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. Section 1307(c)(6).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an order dismissing this Chapter 13 case and such other and further relief as may seem just and proper.

Date: Jericho, New York
October 7, 2019

/s/Marianne DeRosa
Marianne DeRosa, Trustee

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Case No: 116-42675-ESS

TRISHA K CATA CUTAN

CERTIFICATE OF SERVICE
BY MAIL

Debtor(s).
-----X

This is to certify that I, Claudia Aufiero, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

TRISHA K CATA CUTAN
2106 23RD AVENUE, APT. 1A
ASTORIA, NY 11105

CABANILLAS & ASSOCIATES, PC
ATTN: IRENE COSTELLO, ESQ.
120 BLOOMINGDALE ROAD, SUITE 400
WHITE PLAINS, NY 10605

OFFICE OF THE US TRUSTEE
EASTERN DISTRICT OF NY
US FEDERAL OFFICE BUILDING
201 VARICK STREET-SUITE 1006
NEW YORK, NY 10014

ROBERT J MUSSO
26 COURT STREET
SUITE 2211
BROOKLYN, NY 11242

This October 7, 2019

/s/Claudia Aufiero
Claudia Aufiero, Clerk
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
100 Jericho Quadrangle; Suite 127
Jericho, NY 11753
(516) 622-1340

CASE NO: 116-42675-ESS
Hon. ELIZABETH S. STONG

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

TRISHA K CATA CUTAN

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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Marianne DeRosa, Trustee
100 Jericho Quadrangle-Suite 127
Jericho, NY 11753
(516) 622-1340